

HOUSE No. 1122

By Ms. L'Italien of Andover, petition of Robert A. DeLeo and others relative to federal reimbursement for special education services for children with autism. Education.

The Commonwealth of Massachusetts

PETITION OF:

Robert A. DeLeo	Elizabeth A. Poirier
Garrett J. Bradley	Anne M. Paulsen
Kathleen M. Teahan	Robert L. Hedlund
Frank I. Smizik	Rachel Kaprielian
Ruth B. Balser	Jennifer M. Callahan
David Paul Linsky	J. James Marzilli, Jr.
Alice K. Wolf	Antonio F. D. Cabral
Steven A. Tolman	Karen Spilka
Mary E. Grant	Gale D. Candaras
Bruce E. Tarr	Kay Khan
Stephen R. Canessa	James B. Eldridge
Brian A. Joyce	Charles A. Murphy
John W. Scibak	Jay R. Kaufman
Brian Paul Golden	Shirley Gomes
James B. Leary	Susan C. Tucker
Ellen Story	Peter J. Larkin
Kathi-Anne Reinstein	Peter J. Koutoujian
Patricia D. Jehlen	Barry R. Finegold
Richard T. Moore	Joyce A. Spiliotis
Pamela P. Resor	Barbara A. L'Italien
Elizabeth A. Malia	Alice Hanlon Peisch
Michael E. Festa	

In the Year Two Thousand and Five.

AN ACT TO MAXIMIZE FEDERAL REIMBURSEMENT FOR SPECIAL EDUCATION SERVICES FOR CHILDREN WITH AUTISM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The secretary of health and human services shall,
2 within three months of the effective date of this Act, apply to the
3 federal Centers for Medicare and Medicaid Services for a home
4 and community-based services waiver under section 1915(c) of
5 the federal Social Security Act, 42 U.S.C.A. §301 et seq., to allow
6 eligible children with autism spectrum disorder to receive waiver
7 services to support said children in their homes and communities.

8 The waiver application shall provide services for children with
9 autism spectrum disorder who are institutionalized or at risk of
10 institutionalization. Autism spectrum disorder includes the
11 following disorders as defined in the Diagnostic and Statistical
12 Manual of Mental Disorders, fourth edition (DSM-IV, 2000):
13 autistic disorder, Asperger's disorder, pervasive developmental
14 disorder not otherwise specified, childhood disintegrative dis-
15 order, and Rhetts Syndrome.

16 The waiver application shall include intensive in-home inter-
17 vention services for children with autism spectrum disorder, and
18 any other services determined appropriate to support children with
19 autism spectrum disorder in their homes and communities.

20 The waiver application shall specify the required credentials for
21 the providers of services covered by the waiver, including creden-
22 tials required for supervisors of direct care providers and creden-
23 tials required for direct care providers.

24 The waiver application shall ensure that the process and proce-
25 dures for applying for waiver services are fully accessible to fami-
26 lies of children with autism spectrum disorder who are from
27 linguistically and culturally diverse communities.

28 Services under the waiver shall be coordinated with services
29 provided by school committees under chapters 71B and 111G of
30 the Massachusetts General Laws. Nothing in this section shall
31 affect or limit a school district's ability to obtain Medicaid reim-
32 bursement for school-related health services, nor affect or limit a
33 school district's responsibility to provide all services, including
34 home-based services, required pursuant to M.G.L. ch 71B, 20
35 U.S.C. § 1400, et. seq., and 20 U.S.C. § 794.

36 On January 15, 2006, and every year thereafter, the secretary of
37 health and human services shall submit a report to the joint com-
38 mittees on education and health care on the status of the waiver
39 application and on the operation of waiver, once obtained. The
40 report on the operation of the waiver shall include, but not be lim-
41 ited to, a description of: the number of children receiving services
42 under the waiver; the race and primary language of the children
43 served and their families; the types of services provided; and any
44 available information pertaining to impact and effectiveness of the
45 waiver.

1 SECTION 2. The secretary of health and human services and
2 the commissioner of education shall collaborate with parents,
3 providers and others with expertise in meeting the needs of chil-
4 dren with autism spectrum disorder to study and develop recom-
5 mendations for maintaining and increasing the number of
6 qualified providers of intensive in-home intervention services for
7 children with autism spectrum disorder. The secretary and the
8 commissioner shall submit a joint report to the joint committees
9 on education and health care describing said recommendations no
10 later than January 1, 2006. The report shall consider a full range
11 of options for maintaining and increasing the number of qualified
12 providers available to provide services under the waiver described
13 in this act, including but not limited to: collaboration with Massa-
14 chusetts' universities, colleges and community colleges; loan for-
15 giveness programs; scholarships to post-secondary students who
16 work as providers and pursue a related field of study; outreach
17 efforts to parents of children with autism spectrum disorder to
18 recruit parents interested in working as providers of services.